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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,196	10/31/2000	Rico Mariani	MSI-607US	3162
22801	7590	04/01/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			WANG, LIANG CHE A	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/704,196

Applicant(s)

MARIANI ET AL.

Examiner

Liang-che Alex Wang

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is in response to the amendment filed on 12/13/2004.
2. Claims 1-45 are presented for examination.

### ***Response to Arguments***

3. Applicant's arguments filed 12/13/2005, have been fully considered but they are not persuasive.
4. In that remarks, applicant's argues in substance:

- a. That: The office action . stating that a : "proxy server is viewed as a central logging server". Such comprises impermissible modification of the teaching of the reference. . . . (Page 16 lines 3-11.)

This is found not persuasive because applicant does not point out a particular limitation that Allard does not teach and the only argument presented is the statement "proxy server is viewed as a central logging server" comprises a impermissible modification of the teachings of the reference. However, when the examiner stated "the proxy server is viewed as a central logging server", it actually means the proxy server of Allard is corresponding to the central logging server of the presented application, where Allard's proxy server is performing the same function as the central logging server as claimed. No modification is being made in Allard. Therefore the argument is not persuasive. In re Schreiber, 128 F.3d 1473, 1477, 44 USPQ2d 1429, 1431 (Fed. Cir. 1997) (anticipation rejection affirmed based on Board's factual finding that the reference dispenser (a spout

disclosed as useful for purposes such as dispensing oil from an oil can) would be capable of dispensing popcorn in the manner set forth in appellant's claim (a dispensing top for dispensing popcorn in a specified manner)) and cases cited therein. See also MPEP § 2112 - § 2112.02.

- b. That: Applicant disagrees on the rejection to claims 8-15, and independent claims 17, 26, 30, 35 and 39 are rejected for the same reason of claims 1-7 (page 17-19).

This is not found persuasive, because applicant argues the difference of scope of claims, but does not point out a particular limitation that Allard does not teach in claim 1-7, but is disclosed in claim 8-15 or in any independent claims 17, 26, 30, 35 or 39. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

However, the examiner believes the limitation of claims 1-7 is the same as claim 8-15 and rest of the groups. For example, the limitation of claim 8, “receiving a request for a document”, “returning, in response to the request, the document including a reference to contents that causes information regarding the request for the document to be logged at a remote logging server” encompasses the same scope of “initialing a request for a web page” of claim 3 and “servers returning web page to the requesting client device”, “each of the web pages (document) ... includes a reference to content stored on a central logging server.” Claim 9, recites the limitation “wherein the reference comprises a reference to

content stored at the remote logging server” which is the same as “a reference to content stored at the central logging server” in claim 1. Claim 10 recites the limitation of “a reference to a transparent graphic image” which is the same as what is claimed in claim 7. Claim 11, is a combination of claims 9 and 10, which is disclosed in claim 1 and 7. The argument is not persuasive.

- c. That: Applicant argues the § 103 rejection to claim 24 is improper and does not establish a prima facie finding of obviousness.

This is not found persuasive, refers to MPEP 2144.04 VI Section C, In re Kuhle, 526 F.2d 553, 188 USPQ 7 (CCPA 1975) (the particular placement of a contact in a conductivity measuring device was held to be an obvious matter of design choice.) In this case, the number of bytes of the response does not change the inventive concept of the present invention, and it is obvious for a person of ordinary skill in the art to use any number of bytes for the response, because a smaller size of response will allow a smaller packet to be transmit and provides a faster communication. And a bigger size response would provide more information to the client in the communication. Either way would benefit the system in different areas. Therefore it is obvious for a person with ordinary skill in the art to pick the response to be less than 50 bytes.

#### ***Claim Rejections - 35 USC § 102***

- 5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-23, 25-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Allard et al., US Patent Number 6,018,619, hereinafter Allard.
7. Referring to claim 1, Allard has taught a system comprising:
  - a. a plurality of web servers, each storing a plurality of web pages and returning selected ones of the plurality of web pages to a plurality of requesting client devices (Col 5 lines 36-44, Col 9 lines 11-12);
  - b. a central logging server coupled to the plurality of web servers (abstract 7-12, proxy server is corresponding to a central logging server);
  - c. wherein each of the plurality of web pages for which centralized logging is desired includes a reference (Col 1 lines 61-64, , Col 12 lines 46-53, web pages have links (reference) including links to image files) to content stored on the central logging server (Col 1 lines 36-41, Col 6 lines 55-62, all requests for contents made through links are serviced by proxy);

- d. wherein the central logging server logs accesses to the plurality of web servers upon receipt, from the requesting client devices, of a request for the content (Col 5 lines 36-44).
8. Referring to claim 2, Allard has further taught wherein the plurality of web servers, the central logging server, and the plurality of requesting client devices are coupled together via the Internet (Col 9 lines 36-44).
9. Referring to claim 3, Allard has further taught wherein the reference has embedded therein information identifying usage of the web by a user initiating a request for a web page (Col 1 lines 61-64, Col 12 lines 46-53).
10. Referring to claim 4, Allard has further taught wherein the central logging server further logs information received in a cookie accompanying the request for the content (Col 5 lines 36-55).
11. Referring to claim 5, Allard has further taught wherein the reference comprises a Hypertext Markup Language tag (Col 1 lines 61-64).
12. Referring to claim 6, Allard has further taught wherein each of the plurality of web servers further logs information regarding the request locally (Col 5 lines 42-49, web servers are capable of logging information locally if they choose to do so).
13. Referring to claim 7, Allard has further taught wherein the reference comprises reference to a transparent graphic image (Col 1 lines 51-55, transparent graphic image is an popular object type).

14. Referring to claims 8-15, claims 8-15 encompass the same scope of the invention as that of the claims 1-7. Therefore, claims 8-15 are rejected for the same reason as the claims 1-7.
15. Referring to claim 16, Allard has further taught one or more computer readable memories containing a computer program that is executable by a processor to perform the method recited in claim 8 (Col 5 lines 24-26).
16. Referring to claims 17-23, claims 17-23 encompass the same scope of the invention as that of the claims 1-7. Therefore, claims 17-23 are rejected for the same reason as the claims 1-7.
17. Referring to claim 25, Allard has further taught one or more computer readable memories containing a computer program that is executable by a processor to perform the method recited in claim 17 (Col 5 lines 24-26).
18. Referring to claims 26-28, claims 26-28 encompass the same scope of the invention as that of the claims 1-7. Therefore, claims 26-28 are rejected for the same reason as the claims 1-7.
19. Referring to claim 29, Allard has further taught one or more computer readable memories containing a computer program that is executable by a processor to perform the method recited in claim 26 (Col 5 lines 24-26).
20. Referring to claims 30-33, claims 30-33 encompass the same scope of the invention as that of the claims 1-7. Therefore, claims 30-33 are rejected for the same reason as the claims 1-7.



21. Referring to claim 34, Allard has further taught one or more computer readable memories containing a computer program that is executable by a processor to perform the method recited in claim 30 (Col 5 lines 24-26).
22. Referring to claims 35-37, claims 35-37 encompass the same scope of the invention as that of the claims 1-7. Therefore, claims 35-37 are rejected for the same reason as the claims 1-7.
23. Referring to claim 38, Allard has further taught one or more computer readable memories containing a computer program that is executable by a processor to perform the method recited in claim 35 (Col 5 lines 24-26).
24. Referring to claims 39-45, claims 39-45 encompass the same scope of the invention as that of the claims 1-7. Therefore, claims 39-45 are rejected for the same reason as the claims 1-7.

***Claim Rejections - 35 USC § 103***

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allard et al., US Patent Number 6,018,619, hereinafter Allard. Allard has taught a method as described in claim 17 (see previous rejections). Allard does not explicitly tell the response is less than 50 bytes. However, it is the designer's choice to choose the number of bytes for the

response. Allard has taught the server return acknowledgement back to the client upon client request (Col 5 lines 36-39). It would have been obvious to a person with ordinary skill in the art to choose the response to be less than any number of bytes. Because any size of response will not change the inventive concept of the invention as described in independent claim 17. A person with ordinary skill in the art would have use any size of response because a smaller size of response will allow a smaller packet to be transmit and provides a faster communication. And a bigger size response would provide more information to the client in the communication. Either way would benefit the system in different areas. Therefore it is obvious for a person with ordinary skill in the art to pick the response to be less than 50 bytes.

### ***Conclusion***

**27. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on (571)272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang *LCW*  
March 23, 2005

*Hosain Alam*  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER